

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS DAVIS,

Petitioner,

Case Number: 02-CV-75063

v.

HON. ARTHUR J. TARNOW

RAYMOND BOOKER,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S
MOTION FOR ISSUANCE OF WRIT OF HABEAS CORPUS**

In 2009, the Court granted Petitioner Thomas Davis a conditional writ of habeas corpus because the Court held he was denied his right to the effective assistance of trial and appellate counsel and because the prosecutor committed misconduct. *Davis v. Booker*, 594 F. Supp. 2d 802 (E.D. Mich. 2009). The conditional writ required a date for new trial to be scheduled within ninety days, or Petitioner would be unconditionally released. *Id.* The Sixth Circuit Court of Appeals reversed. *Davis v. Booker*, 589 F.3d 302 (6th Cir. 2009). Now before the Court is Petitioner's Motion for Issuance of Writ of Habeas Corpus (ECF No. 74).

Petitioner seeks issuance of an unconditional writ of habeas corpus. He maintains he must be unconditionally released because the State failed to schedule a new trial within ninety days. Because the Court of Appeals reversed the decision to conditionally grant habeas relief, Petitioner is not entitled to the relief afforded by this Court's decision.

The Court DENIES Petitioner's Motion for Issuance of Writ of Habeas Corpus
(ECF No. 74).

SO ORDERED.

s/Arthur J. Tarnow
ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

DATE: June 26, 2019